

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

ATLANTIC ER PHYSICIANS TEAM
PEDIATRICS ASSOCS., PA, *et al.*,

Plaintiffs,

v.

UNITEDHEALTH GROUP, INC., *et al.*,

Defendants.

Civil No. 20-20083 (RMB/AMD)

ORDER

RENÉE MARIE BUMB, United States District Judge

This matter comes before Plaintiffs' Motion for Attorneys' Fees. [*See* Docket Nos. 24, 39.] For the reasons expressed in the Opinion of today's date, and for good cause shown,

IT IS this 30th day of March 2022, hereby

ORDERED that Plaintiffs' Motion for Attorneys' Fees [Docket Nos. 24, 39] is **DENIED**; and it is further

ORDERED that, unless and until there is clearly established precedent, if United Defendants argue for federal subject matter jurisdiction in the future based on EIRSA preemption, they must disclose to the court the caselaw that cuts against their legal arguments (and themselves in particular). United Defendants should lay out that federal district courts in New Jersey, Pennsylvania, Nevada, Arizona, Florida,

and perhaps elsewhere have denied their arguments for ERISA preemption. And it is finally

ORDERED that this matter be **REMANDED** to the Superior Court of New Jersey, Gloucester County, Law Division, case number GLO-L-001196-20.

s/Renée Marie Bumb
Renée Marie Bumb
United States District Judge